

## **REMARKS**

Claims 55-64, 67 and 70-73 are pending in the application.

Claims 62-64 and 67 were previously withdrawn from consideration.

Claims 56-61 are rejected.

Claims 70-73 have been added.

### **Rejections Under 35 USC 112**

Claims 56-59 and 70 are rejected under 35 U.S.C. 112, second paragraph. Applicant addresses the rejection by more particularly pointing out and claiming the Applicant's invention by amending claims 56, 70 and 72. The Applicant respectfully requests reconsideration and removal of the rejection of claims 56-59 and 70 in view of the amendments.

### **Amendments to the Claims**

The amendments to the claims are fully supported by the specification. Support for the amendment of claim 56 is found on page 19, line 1. The support for the amendment of claim 60 is found on page 14, line 15 and page 19, line 2. The support for amending claim 70 is found on page 19, line 1.

### **Rejections Under 35 USC 103**

Claims 56-61 and 70-73 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent No. 2,727,598 to Mitchell in view of US Patent No. 6,155,355 to Holmin. Applicant addresses the rejection by more particularly pointing out and claiming the Applicant's invention that the user adjustment of the restriction controls the output of the modular control device, not with the use of spring tension as taught by the cited art.

The Mitchell '598 patent does not teach, or suggest, each and every element of independent

claims 56, 60 and 70 as amended that includes the requirement of adjusting flow restriction with a valve to control the timing. Mitchell teaches a spring loaded valve in mechanical communication that is shocked closed by impact from the workpiece at time zero, not the adjustment of a flow restrictor. Mitchell teaches “ **by threaded adjustment** of the ring 52 the **tension of the spring 48** against the inertia ring 46 **may be varied** so as to vary the desired degree of tightness at which **the torque limiting device may become operable**” (emphasis added) Therefore, Wallace teaches away from the method as claimed by the Applicant. The ‘598 patent does not suggest or disclose time(s) being selected by varying a restriction so as to shut off flow, the valve being in fluid communication with the pressure regulator.

To address the deficiencies of Wallace it is combined with the Holmin ‘355 patent that is alleged to show “a partial flow condition.” However, the ‘355 patent still fails to address the deficiencies in teaching of the ‘598 patent reference. The Applicant’s claimed methods include a limitation drawn toward adjusting the restriction and flow with a valve to control the output of the modular apparatus. The teaching of the Holmin ‘355 patent is summarized in the Abstract as follows:

*The activation mechanism includes (i) a first inertia member arranged to accomplish shifting of the inlet valve from the partially open condition to the closed condition as a predetermined maximum retardation magnitude level is reached in the rotor, and (ii) a second inertia member arranged to accomplish shifting of the inlet valve from the partially open condition to the fully open condition at retardation magnitudes in the rotor exceeding a predetermined threshold level, below the maximum retardation magnitude level, thereby providing a reduced motor speed and power output during an initial tightening stage. (Emphasis added)*

The Holmin ‘355 patent also teaches mechanical inertia members that reduces and shuts off flow to the rotor, not the Applicant’s claimed adjustment of a restriction with a valve to control the output. The combination of the references are silent and thus lack any teaching of an adjustable restriction to control flow of the modular control apparatus. Thus, in light of the enclosed amendment, the rejection of

claims 56, 60 and 70 should be withdrawn and the claim allowed. In that claims 57-61 and 71-73 depend from allowable independent claims 56, 60 and 70 should also be allowed.

## CONCLUSION

Based on the preceding proposed amendments, Applicant respectfully submits that claims 56-61 and 70-73 along with the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below.

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Respectfully submitted,

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